

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JEREMY TORRUELLA BEY,

Plaintiff,

Case No. 17-cv-1470-bhl

v.

OFFICER L OLSEN, et al.,

Defendants.

ORDER DISMISSING CASE

On October 26, 2017, Jeremy Torruella Bey filed a complaint and requested that he be allowed to proceed without paying the required filing fee. ECF No. 1, 2. On May 14, 2018, Judge Pamela Pepper, to whom the case was then assigned, denied without prejudice Torruella Bey's request to proceed without paying the filing fee. ECF No. 8. Judge Pepper noted that Torruella Bey had not provided sufficient information about his financial situation for the court to determine whether he is able to pay the filing fee, a determination necessary to grant a fee waiver under 28 U.S.C. §1915. The court gave Torruella Bey two options to proceed with his case. By June 15, 2018, he could either: (1) pay the \$400 filing fee in full; or (2) file an amended motion that completely and truthfully answered the financial questions on the form application.

Torruella Bey did not comply with the court's order. Instead, he filed a two-page "Affidavit of Financial Statement" that fails to provide the court with the information he was ordered to provide. ECF No. 9. Under 28 U.S.C. §1915(a), a person asking to proceed without prepaying the filing fee is required to file "an affidavit that includes a statement of all assets" that the person possesses, so the court can determine whether the person is able to pay the filing fee. Torruella Bey's affidavit does not contain a statement of all his assets. Torruella Bey's submission affirms only that he does "not have, or possess, any gold or silver coins." ECF No. 9. From the limited information provided, the court cannot determine whether Torruella Bey is able to pay the filing fee.

To this day, Torruella Bay has neither paid the filing fee nor provided an amended application supported by evidence that he cannot pay the fee as required by the statute, even though he was given additional time and a specific deadline in Judge Pepper's May 14, 2018 Order.

Accordingly, **IT IS ORDERED** that Torruella Bey's complaint is **DISMISSED** for lack of prosecution pursuant to Civ. L.R. 41(c) (E.D. Wis.).

s/ Brett H. Ludwig

BRETT H. LUDWIG
United States District Judge